Remarks

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 13, 20, 24, 31, 35, 39, 44, 47, and 50 have been amended. No claims have been cancelled or added. Therefore, claims 1, 3-13, and 15-52 are presented for examination.

35 U.S.C. §112 Rejection

Claims 1, 7, 13, 20, 24, 31, 35, 39, 44, 47 and 50 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 1, 13, 20, 24, 31, 35, 39, 44, 47, and 50 have been amended to obviate this rejection. Specifically, these claims now recite "wherein the dynamically loadable code is to be dynamically loaded at its destination according to the identifier and the availability schedule in order to conserve resources at the destination." Page 4, lines 1-3 of the description provide support for such a feature.

Claims 1, 7, 13, 20, 24, 31, 35, 39, 44, 47 and 50 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Examiner states that these claims "appear to be missing a completion step, because simply pushing code onto a communication link according to a schedule does not achieve any useful result in view of the failure to comply with the written description requirement above." (Final Office Action mailed 12/22/05 at pgs. 2-3.) Applicant submits that the amendments made to claims 1, 13, 20, 24, 31, 35, 39, 44, 47, and 50 obviate this rejection.

Therefore, applicant respectfully requests that the 35 U.S.C. §112 rejection be withdrawn.

35 U.S.C. §103(a) Rejection

Claims 1, 3-5, and 7-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Endo et al. (U.S. Patent No. 6,617,980) in view of Guarneri et al. (U.S. Patent No. 5,724,345) in further of Kamimura (U.S. Patent No. 6,526,455). Applicant submits that the present claims are patentable over Endo and Guarneri, further in view of Kamimura.

Endo discloses a broadcasting type information providing system that operates to provide answer information to a user while selecting an optimum communication route and an optimum broadcasting station. The information providing system further includes and information center that stores information from travel environment information collecting devices mounted respectively on a plurality of moving bodies and transmits the stored information to the respective moving bodies. The information providing system permits efficient collection of road environment information through further limited communication by controlling the transmission timing of the road environment information collected by the respective moving bodies to the side of the information center. (Endo at col. 3, ln. 55-col. 4, ln. 10.)

Guarneri discloses a system and method which delivers data at a very high data transmission speed to many locations simultaneously. A SCANS system is supplied with a satellite uplink communication module which transmits data to an earth orbiting satellite. The satellite then retransmits the data over a wide geographic area. Each receiving location is equipped with a small satellite dish to receive data from the satellite. (Guarneri at Abstract.)

Kamimura discloses class identification information for identifying the class of an object. The class identification information allegedly makes it easy to retain, reproduce, and transfer the object. An object tree as a tree-like structure for storing objects is also disclosed.

A pointer can be retained and transferred by giving the object identification information to the object and converting the pointer to the combination of the object identification information. Kamimura is convenient for handling logic models representing various logical relationships. (Kamimura at Abstract.)

Claim 1, as amended, recites:

> A method, comprising:
> determining an identifier for dynamically loadable code, wherein the dynamically loadable code comprises a class definition of an object oriented programming language;
> pushing the identifier onto a unidirectional communication link, wherein the identifier identifies the class definition;
> pushing the availability schedule onto the unidirectional communication link, the availability schedule indicates when the dynamically loadable code will be pushed onto the unidirectional communication link; and
> pushing the dynamically loadable code onto the unidirectional communication link subsequent to the availability schedule and according to the availability schedule, wherein the dynamically loadable code is to be dynamically loaded at its destination according to the identifier and the availability schedule in order to conserve resources at the destination.

First, applicant submits that Endo does not disclose or suggest pushing dynamically loadable code onto a unidirectional communication link, wherein the dynamically loadable code comprises a class definition of an object oriented programming language, as recited by claim 1. The Examiner acknowledges in a previous office action that "Endo does not explicitly identify a particular type of data to be transmitted." (Office Action mailed 6/27/05 at pg. 6.)

However, the Examiner does state that "one skilled in the art would understand that a wide variety of data might be broadcast over a communication link, including loadable code for a software application." (Id.) Applicant submits that it would not be obvious to one skilled in the art to load dynamically loadable code in the fashion described in claim 1. Specifically, it is not obvious to push dynamically loadable code that comprises a class

definition of an object-oriented programming language. The Examiner does additionally cite Guarneri as teaching "the broadcasting of software updates (column 6, lines 41-44; see also, e.g., Figure 7)." (Id.) However, the broadcasting of software updates is not the same as dynamically loadable code comprising a class definition of an object oriented programming language.

In the Final Office Action, the Examiner further rejects claim 1 under 35 U.S.C. §103 in view of Kamimura. (Final Office Action at pg. 3.) However, the Examiner does not provide any explanation of how Kamimura discloses any of the features of claim 1. However, the previous office action did cite Kamimura against previous claim 2. (Office Action mailed 6/27/05 at pg. 9.) Claim 2 is now cancelled, and the remnants of its features are included in claim 1. However, Kamimura only discloses class identification information for identifying the class of an object and making it easy to retain, reproduce, and transfer the object.

Yet, nowhere in Kamimura is there disclosed pushing dynamically loadable code onto a unidirectional communication link, wherein the dynamically loadable code comprises a class definition of an object oriented programming language. Kamimura may disclose class identification information for identifying the class of an object, but it does not disclose treating its objects as dynamically loadable code that can be pushed onto a unidirectional communication link. As such, it would not be obvious to combine Kamimura with Endo or Guarneri. These references may be considered non-analogous art which one skilled in the art would not readily combine together.

Second, applicant submits that Endo does not disclose or suggest dynamically loadable code to be dynamically loaded at its destination according to an identifier and an availability schedule in order to conserve resources at the destination. Nowhere in Endo is

this functionality of the dynamically loadable code disclosed. In a previous office action, the Examiner provided column 33, line 40 to column 34, line 7 of Endo as disclosing the majority of the features of claim 1. (Office Action mailed 6/27/05 at pg. 6.) This cited portion of Endo includes two elements of a single claim of Endo. Yet, neither of these elements discloses dynamically loadable code to be dynamically loaded at its destination according to an identifier and an availability schedule ***in order to conserve resources at the destination***. Nor do Guarneri or Kamimura disclose or suggest such a feature.

Therefore, for the reasons discussed above, claim 1 is patentable over the combination of Endo, Guarneri, and Kamimura. Claims 3-6 depend from claim 1 and include additional limitations. Therefore, claims 3-6 are also patentable over Endo and Guarneri in view of Kamimura. Claim 7 includes the limitations of claim 1. Therefore, claim 7 is patentable over Endo and Guarneri in view of Kamimura for the reasons discussed above with respect to claim 1. Claims 8-12 depend from claim 7 and include additional limitations. Therefore, claims 8-12 are also patentable over Endo and Guarneri in view of Kamimura.

Claims 13-18, 20, 24, 25, 30-33, 35, 39, 44-47, and 50 stand rejected under 35 U.S.C. §103(a) as being anticipated by Endo et al. in view of Guarneri et al., and further in view of Becker (U. S. Patent No. 5,937,411). Applicant submits that the present claims are patentable over Endo and Guarneri, further in view of Becker.

Independent claims 13, 31, and 44 recite, in part, pushing dynamically loadable code onto a communication link subsequent to a manifest, said manifest comprising an identifier for the dynamically loadable code, and an availability schedule, wherein the dynamically loadable code comprises a class definition of an object oriented programming language, and

wherein the dynamically loadable code is to be dynamically loaded at its destination according to the identifier and the availability schedule in order to conserve resources at the destination.

Independent claims 20, 35, and 47 recite, in part, pushing objects of a JAVA archive file onto a unidirectional communication link subsequent to a manifest, said manifest comprising identifiers for objects of the JAVA archive file, and an availability schedule for said objects, wherein the JAVA archive file is to be dynamically loaded at its destination according to the identifiers and the availability schedule in order to conserve resources at the destination.

Independent claims 24, 39, and 50 recite, in part, receiving, over a unidirectional communication link of the push-only network, dynamically loadable code subsequent to a manifest, said manifest comprising an identifier for the dynamically loadable code, and an availability schedule, wherein the dynamically loadable code comprises a class definition of an object oriented programming language, and wherein the dynamically loadable code is to be dynamically loaded at its destination according to the identifier and the availability schedule in order to conserve resources at the destination.

As discussed above with respect to claim 1, Endo in view of Guarneri does not disclose or suggest the recited features of independent claims 13, 20, 24, 31, 35, 39, 44, 47, and 50. Furthermore, applicant can find no disclosure or suggestion of such features anywhere in Becker. Therefore, Endo, Guarneri, and Becker, individually or in combination, do not disclose or suggest the features of independent claims 13, 20, 24, 31, 35, 39, 44, 47, and 50. As such, claims 13, 20, 24, 31, 35, 39, 44, 47, and 50, as well as their respective

dependent claims, are patentable over Endo in view of Guarneri and further in view of Becker.

Claims 6, 12, 26, 40 and 51 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Endo et al., in view of Guarneri et al., in further view of Nakajima (U.S. Patent No. 6,289,510). Applicant submits that the present claims are patentable over Endo and Guarneri, and further in view of Nakajima. Claims 6 and 12 depend from claim 1. Claim 26 depends from claim 24. Claim 40 depends from claim 39. Claim 51 depends from claim 50. As discussed above, Endo in view of Guarneri does not disclose or suggest the features of claims 1, 24, 39, or 50. Nakajima does not remedy the deficiencies of Endo in view of Guarneri. Therefore, claims 6, 12, 26, 40, and 51 are patentable over Endo and Guarneri, and further in view of Nakajima.

Claims 19, 21, 22, 34, 36, 37, and 48 stand rejected under stand rejected under 35 U.S.C. §103(a) as being anticipated by Endo et al. in view of Guarneri et al., in view of Becker, and further in view of Nakajima. Applicant submits that the present claims are patentable over Endo, Guarneri, and Becker, and further in view of Nakajima. Claim 19 depends from claim 13. Claims 21 and 22 depend from claim 20. Claim 34 depends from claim 31. Claims 36 and 37 depend from claim 35. Claim 48 depends from claim 47. As discussed above, Endo and Guarneri in view of Becker does not disclose or suggest the features of claims 13, 20, 31, 35, or 47. Nakajima does not remedy the deficiencies of Endo and Guarneri in view of Becker. Therefore, claims 19, 21, 22, 34, 36, 37, and 48 are patentable over Endo, Guarneri, and Becker, and further in view of Nakajima.

Claims 23, 38, and 49 stand rejected under 35 U.S.C. §103(a) as being anticipated by Endo et al. in view of Guarneri et al., in view of Becker, in view of Nakajima, and further in view of Lounsberry et al. (U.S. Patent No. 6,574,518). Applicant submits that the present claims are patentable over Endo, Guarneri, Becker, and Nakajima, and further in view of Lounsberry. Claim 23 depends from claim 20, claim 38 depends from claim 35, and claim 49 depends from claim 47. As discussed above, Endo and Guarneri in view of Becker does not disclose or suggest each of the features of claims 20, 35, and 47. Nakajima and Lounsberry do not remedy the defects of Endo, Guarneri, and Becker. Therefore, claims 23, 28, and 49 are patentable over Endo, Guarneri, Becker, and Nakajima, and further in view of Lounsberry.

Claims 17, 28, 41, 42, and 52 stand rejected under 35 U.S.C. §103(a) as being anticipated by Endo et al. in view of Guarneri et al., in view of Nakajima, and further in view of Spyker et al. (U.S. Patent No. 6,571,389). Applicant submits that the present claims are patentable over Endo, Guarneri, Nakajima, and further in view of Spyker. Claim 17 depends from claim 13, claim 28 depends from claim 24, claims 41 and 42 depend from claim 39, and claim 52 depends from claim 50. As discussed above, Endo in view of Guarneri does not disclose or suggest each of the features of claims 13, 24, 39, and 50. Nakajima and Spyker do not remedy the defects of Endo in view of Guarneri. Therefore, claims 17, 28, 41, 42, and 52 are patentable over Endo, Guarneri, and Nakajima, and further in view of Spyker.

Claims 17, 28, 41, 42, and 52 stand rejected under 35 U.S.C. §103(a) as being anticipated by Endo et al. in view of Guarneri et al., in view of Spyker et al. (U.S. Patent No.

6,571,389). As discussed above, these claims are patentable over Endo, Guarneri, Nakajima, and Spyker. As such, they are also patentable over Endo, Guarneri, and Spyker.

The Examiner did not provide any rejections in the Final Office Action against claims 27, 29, or 43. As such, applicant respectfully submits that these claims are in allowable form.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: February 13, 2006

Ashley R. Ott
Reg. No. 55,515

12400 Wilshire Boulevard
7th Floor
Los Angeles, California 90025-1026
(303) 740-1980